

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD CALLOWAY,	:	
Plaintiff,	:	
v.	:	Case No. 3:05-cv-420-KRG-KAP
UNITED STATES MARSHALS SERVICE,	:	
WARDEN JOHN PREBISH, and SHERIFF:	:	
BOB KOLAR,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 6, 2007, docket no. 24, recommending that the complaint dismissed because plaintiff agreed that his FTCA claim against the Marshals Service was untimely and the Magistrate Judge denied plaintiff's motions to re-open his dismissed claims.

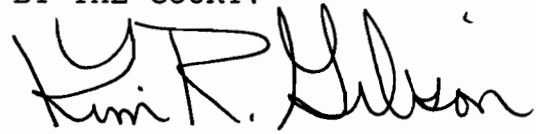
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 25, which I have reviewed both as objections and as an appeal of the denial of the motions to re-open the claims against defendants Prebish and Kolar. The objections are without merit.

Upon de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 27<sup>th</sup> day of June, 2007, it is

ORDERED that plaintiff's complaint is dismissed. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written in a larger, more prominent script, followed by "R." and "Gibson". The signature is positioned above a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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